

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SENTRY SELECT INSURANCE
COMPANY,

Plaintiff,

v.

NORCOLD, INC., et al.,

Defendants.

Case No. 1:21-cv-00521-JLT-SAB

ORDER DENYING STIPULATED MOTION
TO MODIFY SCHEDULING ORDER

(ECF No. 26)

This action was removed to this Court on March 29, 2021. (ECF Nos. 1, 2.) On May 27, 2021, a scheduling order issued, which was modified two times, on June 6, 2022, and October 21, 2022. (ECF Nos. 15, 23, 25.) No trial date is currently set as this action was previously assigned under the “NONE” designation with no District Judge assigned. Currently before the Court is the parties’ stipulated motion to modify the scheduling order, filed January 12, 2023. (ECF No. 24.) The parties proffer:

The Parties, through counsel, agree that there is good cause to modify the current Scheduling Order and to set this matter for trial as described below. The Parties experienced delays with scheduled depositions due to availability of non-party witnesses and the availability of business records in the possession of non-parties. Accordingly, the proposed adjustments will allow the Parties to continue with both formal discovery and the informal exchange of information to reduce the scope of discovery and avoid unnecessary costs associated with both expert and non-expert witnesses. In addition, the proposed modifications will permit the Parties to explore a potential for resolution of the entire

1 matter through private mediation.

2 (ECF No. 26 at 2.) However, the parties' previous stipulated request contained essentially the
3 same generalized proffer:

4 The Parties, through counsel, agree that there is good cause to
5 modify the current Scheduling Order and continue the pre-trial
6 deadlines as described below. The parties experienced delays with
7 scheduled depositions due to availability of witnesses.
8 Accordingly, the proposed adjustments will allow the Parties to
9 continue with both formal discovery and the informal exchange of
information to reduce the scope of discovery and avoid
unnecessary costs associated with both expert and non-expert
witnesses. In addition, the proposed modifications will permit the
Parties to explore a potential for resolution of the entire matter
through private mediation.

10 (ECF No. 24 at 2.)

11 The parties proffer no information regarding what depositions, if any, have been
12 completed or scheduled, nor information regarding settlement or the scheduling of mediation
13 since the last stipulated motion was filed. The scheduling order in this action specifies:
14 **"Stipulations extending the deadlines contained herein will not be considered unless they**
15 **are accompanied by affidavits or declarations, and where appropriate attached exhibits,**
16 **which establish good cause for granting the relief requested."** (ECF No. 15 at 7 (emphasis in
17 original).) The Court recognizes no trial date is set in this matter. Nonetheless, the Court cannot
18 find good cause established by the nearly identical general statement that was contained in the
19 previous proffer to the Court.

20 Accordingly, IT IS HEREBY ORDERED that the motion to modify the scheduling order
21 is DENIED without prejudice to a renewed motion supported by declarations or affidavits
22 proffering specific facts establishing good cause to extend the deadlines.

23 IT IS SO ORDERED.

24 Dated: January 13, 2023

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26 UNITED STATES MAGISTRATE JUDGE
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